

ORIGINAL

LAW OFFICES
LEVENTHAL, SENTER & LERMAN

SUITE 600
2000 K STREET, N.W.

WASHINGTON, D.C. 20006-1809

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

December 4, 1996

SENIOR COMMUNICATIONS
CONSULTANT
MORTON I. HAMBURG

WRITER'S DIRECT DIAL
202-416-6780

WRITER'S E-MAIL
DCORBETT@LSL-LAW.COM

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
BERNARD A. SOLNIK
NANCY A. ORY
WALTER P. JACOB
LINDA D. FELDMANN
RENÉE L. ROLAND
JOHN D. POUTASSE*

*ADMITTED MD ONLY

VIA HAND DELIVERY

DEC - 4 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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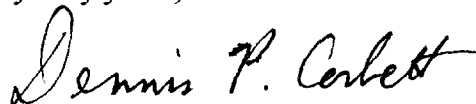
Re: MM Docket No. 87-268

Dear Mr. Caton:

On behalf of Broadcasting Licenses, Limited Partnership and Mountain Licenses, L.P., I am transmitting herewith an original and nine copies of their Comments in response to the Commission's Sixth Further Notice of Proposed Rulemaking, FCC-96-317 (released August 14, 1996) in the above -referenced proceeding. These Comments are being filed in accordance with an Order Extending Time for Filing Reply Comments, DA-1929, released November 20, 1996, in which the Commission made clear that it will accept late-filed comments "for a reasonable period of time" after the November 22, 1996 deadline. In light of that articulated policy, acceptance of these Comments is respectfully requested. See note 1 of the Comments.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Dennis P. Corbett

DPC:kbs
Enclosures

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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DEC 4 1996

Federal Communications Commission
Washington, D.C.

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

To: The Commission

**COMMENTS OF BROADCASTING LICENSES,
LIMITED PARTNERSHIP AND MOUNTAIN LICENSES, L.P.**

Broadcasting Licenses, Limited Partnership and Mountain Licenses, L.P.

("BLLP/MLLP"), by their attorneys, hereby comment on the Commission's Sixth Further Notice of Proposed Rulemaking in the above-captioned proceeding, FCC 96-317 (released August 14, 1996) ("Notice").^{1/}

BLLP/MLLP supports the ongoing efforts by the Commission to facilitate the transition to digital television ("DTV") broadcasting. The Commission's draft DTV Table of Allotments, issued as part of the Notice, reaffirms the Commission's objective of providing full replication of existing NTSC service areas, and BLLP/MLLP applauds the Commission's

^{1/} By an Order Extending Time for Filing Reply Comments, DA 96-1929, released November 20, 1996, the Commission made clear that it will accept late-filed comments "for a reasonable period of time" after the November 22, 1996 deadline. Because these comments are being filed within 7 business days of November 22 and more than a month in advance of the newly extended reply comment deadline (January 10, 1997), these comments satisfy the reasonable period of time test and should be accepted, relief which is respectfully requested.

commitment to these principles. Although BLLP/MLLP supports the Commission's general allotment and assignment scheme, BLLP/MLLP respectfully submits that the Commission must modify its proposed policies towards existing translator/LPTV stations as well as new full power station construction permit applications in order to insure a consistent and equitable transition to the digital broadcasting era.

I. Background

BLLP/MLLP is the licensee or permittee of multiple translator/LPTV stations, listed below, serving a variety of communities in a three state area, Washington, Oregon, and Idaho.^{2/} In addition, the programming services provided by BLLP/MLLP are carried on translator

^{2/}

**STATIONS LICENSED TO
BROADCASTING LICENSES, LIMITED PARTNERSHIP**

<u>Call Letters</u>	<u>Location</u>	<u>Class of Service</u>
K45ED	Grants Pass, OR	TV translator
K44DZ	Klamath Falls, OR	TV translator
K50DQ	Klamath Falls, OR	TV translator
K49DW	Medford, Oregon	TV translator

STATIONS LICENSED TO MOUNTAIN LICENSES, L.P.

<u>Call Letters</u>	<u>Location</u>	<u>Class of Service</u>
K31AH	Omak and Okanogan, WA	TV translator
K19AU	Omak and Okanogan, WA	TV translator
K44CK	Chelan and Manson, WA	TV translator
K09UP	Colville, WA	TV translator
K19BY	Grangeville, ID	TV translator
K69BF	Stemilt and Colockum, WA	TV translator

(continued...)

stations licensed to communities located throughout this same area, including neighboring states. These stations provide vital, free over-the-air service to a substantial number of viewers who depend very directly on that service. For example, stations KCYU-LP and KBWU-LP, licensed to MLLP, provide the only over-the-air Fox Network service to some 175,000 households in the Yakima and Richland-Pasco-Kennewick, Washington areas. Furthermore, the Spokane Washington television market includes 350,000+ television households, of which 175,000 receive over-the-air service from translator/low power stations.

II. The Commission's Plan Must Protect The Digital Future Of Translators and Low Power Stations

As noted above, BLLP/MLLP is the licensee or permittee of multiple translator and low power stations, and BLLP/MLLP's signals are retransmitted by many local translator associations. The Notice fails to provide for any meaningful accommodation of these stations in the digital future. BLLP/MLLP respectfully submits that, given the vital importance of these stations, the Commission must formulate a plan which guarantees a DTV future for these

^{2/} (...continued)

STATIONS LICENSED TO MOUNTAIN LICENSES, L.P.

<u>Call Letters</u>	<u>Location</u>	<u>Class of Service</u>
K47BW	Lewiston, ID	TV translator
K20BZ	Sandpoint, ID	TV translator
K35BJ	Ellusford and Oroville, WA	TV translator
KCYU-LP	Yakima, WA	Low power TV
K10NQ	Prosser and Grandview, WA	TV translator
KBWU-LP	Richland, WA	Low power TV
K50DM	Coeur d'Alene, ID	TV translator

licensees. This is a particularly acute problem in the Western states, where the vast land area makes it impossible for full power stations associated with the major population centers to provide service to less densely populated areas. Translators and low power stations are the only viable alternative in such parts of the country and the Commission should not take action that will withdraw existing service from viewers in these areas and deprive them of the many benefits of free over-the-air television broadcast service. These viewers depend on, among other things, the news and weather information regularly provided by such stations. The Commission must find a way to preserve this critically important service in the digital era.

For this reason and the reasons set forth in Section III below, BLLP/MLLP strongly opposes the Commission's proposal to immediately designate a core spectrum for digital television. The transition from NTSC to digital promises to be challenging for both broadcasters and the Commission. Most of the technology on which DTV will depend remains largely untested in the varied conditions and locations in which it will be operating, and full power and low power/translator stations will need additional spectrum space to accommodate all stations and their modifications. The premature limitation of the spectrum available will impede the effective implementation of DTV.

III. Applicants Who Filed New NTSC Construction Permit Applications In Compliance With The Deadline Established By The Notice Deserve Protection In The DTV Conversion Table

In its Notice, the Commission expressly permitted the filing of new NTSC station construction permit ("CP") applications. In the past, CPs have meant that a permittee could construct a station with the reasonable expectation that its station could be used for television broadcasting in the foreseeable future. The Notice, however, eliminates that expectation.

The Commission's tentative decision not to extend DTV conversion protection to CP applicants would have the perverse effect of undermining the value of the very stations which the Commission has permitted to come into existence in the Notice. A CP granted today should not be threatened with extinction at the end of the transition period. It is fundamentally unsound public policy to simultaneously encourage the construction of new stations while eliminating the future value of those same stations.

BLLP/MLLP respectfully submits that the Commission should not banish to the digital wilderness those who filed CP applications by September 20, 1996. The Commission should include all CP applications filed prior to that date, in the DTV Table of Allotments.^{3/}

^{3/}

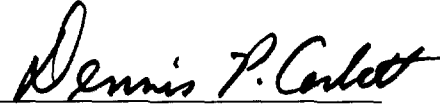
For purposes of administrative convenience, the FCC may wish to protect one agreed upon central transmitter site for each group of applicants for a particular allotment.

CONCLUSION

For the foregoing reasons, the Commission should revise its Notice to protect translator and low power stations, and pending construction permit applications for new stations.

Respectfully submitted,

BROADCASTING LICENSES, LIMITED
PARTNERSHIP AND MOUNTAIN LICENSES, L.P.

By: 
Dennis P. Corbett

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, DC 20006-1809
202- 429-8970

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Their Attorneys